

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA,

Plaintiff,

-against-

20-mc-489 (LAK)
(originally In Equity No. 40-276)

NATIONAL GUM & MICA CO.,

Defendants.

- - - - - x

ORDER

LEWIS A. KAPLAN, *District Judge*.

WHEREAS on November 24, 2020, the United States of America filed a Motion to Terminate a Legacy Antitrust Judgment, *United States v. Nat'l Gum & Mica Co. et al.*, No. 40-276 (S.D.N.Y. May 27, 1927), Dkt. 1-2 (“Judgment”);

WHEREAS Federal Rule of Civil Procedure 60(b)(5) provides that “the court may relieve a party . . . from a final judgement [when] applying it is prospectively no longer equitable,” Fed. R. Civ. P. 60(b)(5); *to* *me*

WHEREAS Defendant National Gum & Mica Co. appears ~~to~~ no longer exist as a stand alone company and its corporate successor, Ingredion Incorporated, has no objection to the Government’s motion to terminate the Judgment. Dkt. 1-1 at n. 1;

WHEREAS the individual Defendants are unlikely alive, given that the Judgment in their lawsuit was entered in 1927;

WHEREAS on June 6, 2019, the United States posted the Judgment on its public website, noting its intention to terminate the Judgment and inviting public comment, *id.* at 10;

WHEREAS no members of the public commented on the Government’s intention to terminate this Judgment, *id.*;

WHEREAS the Court finds that the Government has provided adequate notice to the public regarding its intent to seek termination of the judgment;

WHEREAS the Judgment’s holding prohibits the Defendants from acquiring or acting as the owner of General Adhesive, which appears to no longer exist, *id.* at 9.

WHEREAS based on the foregoing, the Court finds that terminating this antitrust

Judgment is consistent with the public interest, *see United States v. Western Elec. Co.*, 993 F.2d 1572, 1577 (D.C. Cir. 1993) (holding that a court “may reject an uncontested termination only if it has exceptional confidence that adverse antitrust consequences will result”);

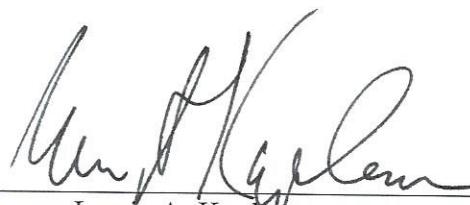
IT IS HEREBY ORDERED that the Judgment, *United States v. Nat'l Gum & Mica Co. et al.*, No. 40-276 (S.D.N.Y. May 27, 1927), Dkt. 1-2, is TERMINATED.

The Clerk of Court is respectfully directed to close the motion [Dkt. 1] and close this case.

SO ORDERED.

Dated:

Jan. 22, 2021



Lewis A. Kaplan
United States District Judge